

IN THE SENATE OF THE UNITED STATES.

JANUARY 19, 1858.—Ordered to be printed.

Mr. IVERSON made the following

REPORT.

[To accompany Bill S. 68.]

The Committee of Claims, to whom was referred the memorial and accompanying papers of Elias Hall, have had the same under consideration and report:

That this case was examined very carefully by the Committee of Claims of the Senate of the last Congress, and a favorable report made by that committee. This committee concur in and adopt said report, except so far as relates to the sum of \$40 80, claimed by the petitioner for expenses paid out by him for the United States, during the service in which he was employed. The items of this act the committee think must be considered as bound by the presentation and settlement of an account in his favor in 1818. The committee are willing to allow him pay for the horse alleged and proved to have been lost in consequence of hard usage in the service of the United States, in the emergency stated in the evidence, being satisfied that no compensation has heretofore been allowed him, and a sufficient reason being given by the claimant why the account or demand for the value of the horse was not included in, or presented in any of his accounts which have been settled by the government.

The committee, therefore, report a bill in favor of the claimant for the sum of \$516 52, with interest from the 29th April, 1834, when it appears that the account and vouchers were properly presented for payment. The committee think that the highly meritorious, patriotic, and valuable services of the memorialist, rendered at a critical and important crisis, and at a great sacrifice of private interests, demand the allowance proposed in the bill.

IN THE SENATE OF THE UNITED STATES, December 23, 1857.

The Committee of Claims, to whom was referred the memorial of Elias Hall, report:

That, from a careful examination of the papers in this case, they are satisfied with the truth of the following statement of facts, viz:

The memorialist was a gunsmith, and in 1812 was doing a large

and profitable business in Middlebury, Vermont. In October of that year, a portion of the American army being stationed at Plattsburg, New York, Lieutenant Colonel Brearly was sent into Vermont to procure a quantity of pikes for the use of his regiment. After several unsuccessful efforts, he applied to Mr. Hall, who entered with great energy and patriotism into the service of supplying the army with the desired weapons. So highly pleased was Colonel Brearly with the skill and energy of character manifested by the memorialist that he prevailed upon him to repair to headquarters, "that the army might avail itself of the services of an armorer and artificer so completely qualified, in all respects, to execute every branch." And Colonel Brearly says he was satisfied, from personal knowledge and observation, that Mr. Hall's motives for entering the service were evidently more from a spirit of patriotism than any prospect of emolument.

On their arrival at headquarters he was introduced to General Dearborn "as just the man the public service required" to superintend the repair of small arms. At a subsequent interview, General Dearborn proposed to him to engage in the service in that capacity, which he agreed to do, at a compensation of \$50 per month and rations, for "during the war." He was paid for his services at the rate stated, from that time until the 22d July, 1814. From this time until the close of the service, in consequence of some informalities, he failed to receive his pay. General Dearborn had left that place, and seems to have failed to officially report the arrangement with Mr. Hall, although General Bomford certifies that General Dearborn informed him of the fact, and promised to furnish the department with a certificate to that effect, which he seems to have failed to do.

The claim has been several times presented to the department, and although it seems to have always been regarded as just, they have not deemed themselves authorized by law to pay it.

General Talcott, in a letter dated June, 1853, after stating that no record of the contract can be found, says: "But desirous that meritorious services should not be overlooked nor neglected, I would recommend that you make out regular accounts, &c., and to make affidavit to its correctness." The account was accordingly stated and submitted to the Ordnance Department, and General Talcott, the head of that department, says in regard to it: "I consider [it] an equitable claim upon the government, but so much time has elapsed since it originated, and almost every one who could supply the information necessary to corroborate or sustain the claim having deceased, it has not been possible for him to present it in such a shape as to obtain payment."

The amount due for pay and subsistence is \$421 52; and if interest were allowed, by way of damages for its detention, the amount would be \$1,507 20.

Mr. Hall also presents a claim for sundry expenses incurred by him in the public service, which he specifies and verifies by oath, amounting to \$40 50, and for a horse lost in consequence of urgent and extraordinary service performed immediately preceding the battle of Plattsburg, and in the preparation for that action, \$95, making \$135 50. The loss and value of the horse are sustained by other evidence.

The high character of the memorialist for truth and integrity, and for patriotic zeal and devotion to his country, is well attested by several of the most eminent citizens of his State, as well as by the officers of the army with whom he served.

The committee, therefore, concur with the head of the Ordnance Department, after a full examination of the facts, that this venerable patriot has a just and equitable claim upon the government; and as he has already completed his seventy-sixth year, if his last days are to be cheered by a manifestation of the justice and magnanimity of his country, immediate action is indispensable.

The statement of Mr. Hall contains so clear and graphic an account of his services, and of the operations of the troops and local militia in the defence of Plattsburg, that the committee append it hereto, and make it a part of this report.

In conclusion, the committee report a bill for the relief of Elias Hall, of Rutland, Vermont, and recommend its passage.

The whole amount of the original claim is \$557, for which the bill provides payment, without interest.

MEMORIAL.

I, Elias Hall, of Rutland, Vermont, aged seventy-five years, depose, testify, and say: That by a verbal agreement made with Major General Dearborn, near Canada line, on the 17th day of November, A. D. 1812, I was to have fifty dollars per month and subsistence, which was fixed by the War Department afterwards at *three dollars per week*. (No. 4.) That it was agreed, and distinctly well understood, that the engagement and employment was for *during the war*, and to superintend the repairs of small arms on the northern frontier. Had not this been the case, I could not have been induced to abandon a good business, family, and property, principally in real estate, estimated at from ten to twelve thousand dollars, and with an extensive range of custom and business.

When about the 1st of November, 1812, (No. 3,) Lieutenant Colonel David Brearly, of the 15th regiment United States army, applied to me to make 600 pikes for the use of the army then in Plattsburg. He informed me that the case was very urgent. (No. 3.) That General Bloomfield, commanding at Plattsburg, three or four weeks previous, had ordered him across the lake to Burlington, to get the pikes made in five or six days, and as soon as obtained the army would move for Canada, and were *waiting for nothing else*. That he had remained at Burlington three or four weeks under the false pretences of those who *opposed the war* (No. 3) and got *none*. And I engaged to make them, (No. 1) with the understanding that from *seven to nine* thousand troops were to be idle and on expense until they were made, and winter near; and I used my utmost exertions to meet the wants of the army. (See Colonel Brearly's letter, No. 3.) Ex-Governor Slade, who was in a situation to know, said he thought I could not have slept over an hour in a night; but I think I might half an hour more. And after eleven or twelve days thus employed, Captain Charles G. Jones was sent

express from the army, saying it must march for Canada, and for me to finish those I had begun, and go to Burlington for pay. (No. 1.) I finished, as directed, and at 11 o'clock that night started and got to Burlington, 32 miles, before daylight. This job, thus completed, was the probable cause of my after employment. The quartermaster (Hatch) was gone to Plattsburg. I went there, and the troops were paraded for a march to Canada, and went November 14, 1812; and the quartermaster said he could not attend to paying me until the army and appendages were gone. In the course of that day, Colonel Breatly introduced me to General Dearborn at headquarters, as just the man the public service required. (No. 3.) And at once the general wished to know if I could be engaged to superintend the repairs of small arms. He expressly said it was not expected I should work, only superintend the business. (*Not master armorer.*)

It being a surprise on me, I wished time to consider, and was to see him again. The naval force sailed before noon, and at night the quartermaster, against my wishes, had me go aboard the steamboat Vermont to fit the pikes and poles together; and we came to anchor in Thurber's bay, near the fleet, one mile south of Canada line, and five east of the army.

The quartermaster had so ordered, and I was the first one landed about the break of day; and the first man I found was an *Old School Republican*, who furnished shop and tools, and we got all the pikes and poles together, 100; this was the 15th of November. The quartermaster came from camp during the day, and directed me to procure a team by night and get the pikes to the army. I got them within a mile and a half, and reported them to the officer of the day at camp. And just as I had finished supper, 10 or 11 o'clock at night, Captain C. G. Jones burst into the room and said, "Mother Dewey, I want a loaf of bread and some cheese in my harvy-sack in a minet," then turned to me and said, "I am going to make the first *splash* on Canada." On my questioning it, he requested me to step to the door, and there were six or eight hundred of the army a mile south of the line on the way to Canada; and by mistake they killed several of their own number, without *seeing an enemy*, and returned to camp the 16th. (See Breatly's and Pike's general pass, No. 2.)

On the 17th I obtained pay for making the pikes. And Colonel Z. M. Pike, of the 15th regiment, went with me from camp to General Dearborn's quarters, in the village of Champlain; at the time we entered the room, the general was sitting near the middle of the room, and officers in full dress surrounding it. What their business was I know not, but suppose they were *holding* a council of war, as all business was suspended and the army broke up the next day. Soon after we got in the room, as above stated, General Dearborn asked me if I had made up my mind to engage in the service. My answer was, that if I could have fifty dollars per month and a support for during the war, I should engage. And he, without hesitation, said I could or should have it. I knew no one present but the general and Colonel Pike, (killed at Little York, April 26, 1813.) And I never had any paper evidence of employment from General Dearborn. Whether or not the general would have given me any, had he not been engaged

as mentioned, I know not. The army went into winter quarters immediately after. General Dearborn said, at the time of making the agreement with me, that I must consider myself attached to the *ordnance department*, and that he would give Captain S. Thayer, of the ordnance department, then there, directions respecting me. And a few days after this, Captain Thayer, at Middleburg, on his way to Albany, told me he had received the general's directions, and as soon as he got to Albany would obey them; and forty-four years have expired, and I have been unable to get a line from him; my last to him was April 14, 1856. Failing to have any attention from Captain Thayer, I wrote to the commissary general of ordnance at Washington, June 14, 1813. (See Colonel Wadsworth's letter, No. 5, and mine to him, No. 6.) "He did not know whether the repairs of small arms belonged to his department or not." And this letter is all he ever wrote. I soon after wrote General Dearborn, on the Niagara frontier, without an answer. But Major Bomford wrote me that the general had sent him a certificate in my favor, and that it had been forwarded to me at Burlington. (No. 7.) But it was *never received by me*, and I so informed him. What induced Major Bomford to certify as to my employment and *pay*, unless he had the evidence he said was sent him, (No. 7,) I know not. But I got *eleven months* pay, on the terms agreed upon the 17th November, 1812, as stated in the copy of account and receipt. (No. 4.) The evidence of after payment up to the 23d of July, 1814, I think was burned with my house and buildings, September 24, 1843.

What I now claim is, to be paid, according to the agreement with General Dearborn, from the 23d of July, 1814, to the 15th of February, 1815. And as there never was any provision by law to pay me, while I have used various means to obtain payment ever since Captain Campbell, of ordnance, presented my claim to the accountant in 1817. (See his letter, No. 9.)

And I further testify and say, that I was ordered July 9, 1814, by the officer of ordnance to remove a part of the ordnance stores from Burlington to Plattsburg, (see Lieutenant MacKay's order, No. 8,) and hearing proper care was not taken of them, went there. General Macomb said Lieutenant Mackay had not reported himself for duty; and finding the fixed ammunition, muskets, rifles, pistols, cartridges, flints, fuses, matches, rockets, all thrown in together, as they were unloaded from sleighs the previous March from French mills, the loose powder in some places on the floor an inch deep. The dust, in making several plans in shape, or some other cause to me unknown, caused me to have sore eyes, and I got permission from General Macomb to go to Burlington, where my family resided, and see to the ordnance stores left there, and before my eyes got well the battle of Plattsburg took place. Freeman's meeting, in Vermont, is yearly, on the first Tuesday of September, which came on the sixth day. Not being a voter in Burlington, I went to Middlebury on the 5th, where I was one. And it was the general understanding by all that they might go where they could vote, as the political contest was doubtful. On the 7th I paid ninety-five dollars for a young and saleable horse. (No. 10.) On the 8th a man came after me from Burlington, (see

Hepburn's deposition, No. 10,) with the first intimation of the enemy's taking possession (on Freeman's meeting day) of the north bank of the Saranac, in Plattsburg. I lost not a minute in putting the said horse into a wagon, and at 2 o'clock p. m. started for Burlington, 32 miles distant, where I arrived about dark, (No. 10,) and reported myself to Colonel Fassett, the commanding officer. Plattsburg, 25 miles distant, *could then be seen on fire*, and I was up most of the night, seeing to whatever remained of the ordnance effects at Burlington, (No. 8.) The next day, the 9th, at 9 or 10 o'clock, (No. 10,) Giles T. Chittenden, a man well known by me, came with his horse upon the run, and said he came, by direction of the commanding officer, to see if I knew any means to get arms from Montpelier, as they had none for the volunteers and militia constantly arriving; that he (the commanding officer) had sent teams and an order that returned without any arms, for the reason that the Secretary of War had given orders, (No. 11,) that none should be delivered *except on the order of the commanding general of the district*, (the 9th,) and he thought there would not be time to get an order from General Macomb, and send it and teams to Montpelier, 40 miles, (No. 10,) as it was expected every minute the enemy would make an attack. I told him to say to Colonel Fassett *I knew no proper means to get them*, but believed I could start them by going there. (No. 10.)

Chittenden went near a mile and returned from the commanding officer, and said, "Colonel Fassett thought it would be useless to write, and had not," but wished me to go and do the best I could. I told him to tell the colonel that he would never see me again unless I succeeded, (and with assurance he immediately had the teams return back to Montpelier,) and in five minutes I was on the same horse I had drove 32 miles from Middlebury. It was bad going, and I rode fast 33 miles, hired a horse to go 7 miles, and immediately applied for arms at the depot of arms, and was informed by the sergeant of a guard of 30 men (Major Baily, the officer in charge, had not returned from Freeman's meeting) of the order of the Secretary of War, (No. 11.) I told him I was informed of that before I left Burlington, but had come for some of them peaceably, or otherwise; that the order probably originated with my suggestion to Major Bomford, that arms ought not to be delivered except on the order of the commanding officer of the *post*, instead of the *district*, a different thing; that there could be no justification in refusing to issue arms when the country was invaded; and that the arms went from my possession at Burlington the March previous; that I would say, do, or write anything to keep him clear of blame, and wrote Major Baily, and he agreed to deliver four thousand stand of arms. I left for Burlington, and got there at 11 o'clock at night, (No. 10.) Distance both ways, 80 miles. At daybreak the next morning they began to arrive, (No. 10,) and continued to supply all wants until the decisive battle of the 11th, (Nos. 10 and 11.) I reported to Colonel Fassett my success, and suggested that a part of them be left 6 miles east, at Williston, for fear the result would be against us. This was done at 9 or 10 o'clock the morning of the 10th, (Nos. 10 and 11.) He said he was then as bad off as before, as they had not a cartridge, (No. 11,) flint, or piece of match rope. (As to

that, they could use a firebrand, as they used to;) that he had tried all over the village to get flints, without success, and if they could get powder they could make cartridges, *and he imputed the failure of success to the opponents of the war.* And, he added, it is useless for the volunteers and militia to cross the lake into the woods without the means to defend themselves with; "and I must keep the volunteers and militia here, and you must go to Plattsburg and get the articles." I consented, and he said, "go and put off any craft you think you can go and return quickest with;" and I took passage in a packet sailed by Captain Branch; paid two dollars, rather than have him wait for an expected passenger. (One dollar fare for a person was the price.) The wind increased so that he ran into Peru bay, and fearing I should be delayed, stripped and walked as soon as possible eight miles to Fort Moreau; and as soon as I saw General Macomb he expressed gladness to see me, and said "nothing had been done in my absence." I enquired where the officer of ordnance and men were. His reply was, "*they have all run away*, and he did not know where." The officer left Tuesday night for Salmon River village, four miles southerly, and the men stole the Little Belt, a revenue boat, and went to the south end of Grand island, and all remaining until the enemy left. This I had since, from the men themselves, confirming General Macomb's statement to me. General Macomb directed the acting officer of ordnance, Lieutenant Crummell, to deliver me from the magazine anything I wanted, and the quartermaster to have a boat ready in a safe place to take me to Burlington. I was taken in a wagon two miles, south, to a sloop-like craft, having no oars or row-locks. There being no wind we could not stir, but kept watch all night; and at break of day (I was on watch then) a breeze came up and we sailed; and about two miles out from the wharf at Burlington the action commenced on the lake; and as soon as I landed there was the greatest confusion to get on board the transports I ever saw; and it is my belief that my exertions in procuring the arms, and then the ammunition, was a great cause of a victory instead of a defeat on the 11th of September, 1814; for which I never had a cent for services nor expenses any way whatever; and if Congress should not consider me entitled to pay to the close of the war, on the evidence presented, I submit to their justice if I am not entitled to some remuneration for the foregoing important services.

And I further depose and say: That the horse I have mentioned (No. 10) I gave \$95 for to Amaziah Jones, of Cornwall, and that he asked \$100; that he was injured in his off hind leg or thigh particularly, and was lame ever after, so as to be only an expense, and that he died my property in the possession or keeping of Isaac Landon, of Cornwall, in five or six months; (said Landon is now dead) that said horse was a favorite with Mr. Jones, had never been put to hard usage or journeying, as I was informed and believe; and I believe this forced drive of said horse 32 miles in part of a day (No. 10) and 66 miles in part of the next was the cause of his injury and death. (See Ludrick Hepburn's deposition.) (No. 10.) I further say that I did not know the proper place to apply for pay for said horse.

Never presented any claim, and have never received any pay; and put my claim in, asking that justice may be done according to common usage in similar cases.

And I further depose and say: That at the time I was engaged by General Dearborn, as herein stated, there was not a man in Vermont (if in America) who could as readily do every kind of work the public service required. And in making the pikes had made about \$10 per day and night; that while employed by government on two occasions, making stove pipe and ironing tent poles, I earned, as citizens were paid, from \$25 to \$30 per day; that up to the 1st of May, 1814, I did the duty of master armorer, master blacksmith, (part of the time,) and officer of ordnance, received and delivered all kinds of ordnance stores, made provision returns for men on extra duty in the shop, kept a check roll of the time they were employed, and certified to the same before they could obtain pay; and I further say—

That, engaging as I did in the service of the United States, and leaving my family, property, and business, I lost in the end four or five thousand dollars, and that I have never regained my former standing as to property. I fully confirm Mrs. Silence Canedy's testimony in her affidavit, although a *strong case*, but I knew the situation of the troops and acquiesced. It will also be seen that when I got a pass, *sometimes* I was limited to two days to go thirty-two miles and return, which shows the importance of my services.

ELIAS HALL.

STATE OF VERMONT, }
 Rutland county, } ss.

Be it remembered that at Rutland, in the county of Rutland, this 2d day of June, 1856, personally appeared before me Elias Hall, of said Rutland, to me personally known, and made oath to the truth of the foregoing affidavit in due form of law.

MARTIN G. EVERTS,
Justice of the Peace.

I further claim that I ought to be paid at the rate of three dollars per day (expenses included) for the time I was compelled to spend after getting to Burlington, for pay for the pikes, and for time and services at Plattsburg with Colonel Breatly about the pikes, and for work and other duties at Thurber bay, with detention at camp, &c., to get pay—13, 14, 15, 16, 17, (18th got to Burlington,) making six days, \$18; I paid \$5 to be brought half way to Burlington from Champlain.

November 19, 1812.—Horse keeping at Burlington when absent, (at Sawyer's Hotel,) \$3.

On presenting the account to Quartermaster Hatch for the pikes he rather objected to paying for the boxes, and I erased on the account, (as seen in No. 1,) but was sued before R. B. Bates, justice of the peace, and on trial was decided to pay for the boxes and cost, amounting to \$5 95.

November, 1813.—To cash paid for expenses when ordered to Chataquay Four Corners. (The order supposed to be burned with my buildings September 24, 1843.) I was ordered there with two men; *head wind* prevented their getting to Plattsburg, twenty-five miles, till the fourth day, when General Hampton got in from his disastrous campaign, \$5.

To paid passage back to Burlington for self and two men, \$1 each, \$3.

September 9, 1814.—To expenses from Burlington to Montpelier after arms, (paid seventy-five cents for horse seven miles,) \$2 25.

September 10.—To \$2 paid for passage to Peru bay, and other expenses to Plattsburg, and hack \$1 20, \$3 20.

I paid \$95, cash in hand, for the horse mentioned in my affidavit on the 7th of September, 1814, and was the same horse as is specified in Ludrick Hepburn's deposition, dated January 7, 1833, No. 10.

ELIAS HALL.

STATE OF VERMONT, }
Rutland county, } ss:

Be it remembered that at Rutland, in said county, this 2d day of June, 1856, personally appeared Elias Hall, of Rutland, in said county, to me personally known, and made oath to the truth of the foregoing account, and that no part of the same has been paid or in any way discharged. Before me,

MARTIN G. EVERTS,
Justice of the Peace.

Rep. Com. 12—2

